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BOMBAY ACT No. XX OF 1949.[1]

KII/96

[THE KARNATAK UNIVERSITY ACT, 1949.]

[*11th May 1949*]

Amended by Bom. 53 of 1949.

An Act to establish and incorporate a University in the Province of Bombay to be known as the Karnatak University.

WHEREAS it is expedient to establish and incorporate a University in the Province of Bombay to be known as the Karnatak University as a measure in the decentralization and reorganisation of university education in the Province of Bombay ; It is hereby enacted as follows :—

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CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called the Karnatak University Act, 1949.

(*2*) This section shall come into force at once.

(*3*) The Provincial Government may, by notification in the *Official Gazette*, direct that all or any of the remaining provisions of this Act shall come into force on such date or dates as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Affiliated" means affiliated under sections 5 and 32 ;

(*2*) "College" means a degree college or an intermediate college ;

(*3*) "Degree College" means an affiliated college which is authorized to submit its students to an examination qualifiying for any degree of the University ;

(*4*) "High School" means a high school which has been recognized as a full-fledged high school by the Director of Public Instruction, Bombay Province, or by an officer authorized by him in this behalf, or a high school situate outside the Province of Bombay which has been registered by the University ;

(*5*) "Hostel" means a unit of residence for students maintained or recognized by the University under this Act ;

(*6*) Intermediate college" means an affiliated college other than a degree college ;

(*7*) "Principal" means the head of a college ;

(*8*) "Recognized institution" means an institution for research or specialized studies other than an affiliated college and recognized as such by the University;

(*9*) "Registered graduate" means a graduate registered under the provisions of this Act ;

(*10*) "Secondary Teachers" means such class of teachers imparting instruction in High Schools as may be declared to be Secondary teachers by the Statutes ;

(*11*) "Statutes", "Ordinances" and "Regulations" mean respectively the statutes, ordinances and Regulations of the University made under this Act

(*12*) " Teachers " means professors, readers, lecturers and such other persons imparting instruction in the University, an affiliated college or a recognized institution as may be declared to be teachers by the Statutes ;

(*13*) " Teachers of the University " means teachers appointed or recognized by the University for imparting instruction on its behalf ;

(*14*) " University " means the Karnatak University constituted under this Act ;

(*15*) " University Area " means the areas specified in the Schedule ;

(*16*) " University Department " means any post-graduate or research institution or department maintained by the University.

CHAPTER II

THE UNIVERSITY.

Incorporation of the University.

3. (*1*) The Chancellor, the first Vice-Chancellor of the University and the first members of the Senate, the Syndicate and the Academic Council of the University and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of " The Karnatak University ".

(*2*) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(*3*) The University shall be competent to acquire and hold property, both moveable and immovable, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it for the purposes of the University and to contract and to do all other things necessary for the purposes of this Act.

Powers of the University.

4. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers, namely :—

(*1*) to provide for instruction, teaching and training in such branches of learning and courses of study as it may think fit and to make provision for research and dissemination of knowledge ;

(*2*) to make such provision as will enable affiliated colleges and recognized institutions to undertake specialization of studies ;

(*3*) to establish, maintain and manage departments and institutes of research or specialized studies ;

(*4*) to institute professorships, readerships, lecturerships and any other posts of teachers required by the University ;

(*5*) to appoint or recognize persons as professors, readers or lecturers or otherwise as teachers of the University ;

(*6*) to lay down the courses of instruction for various examinations ;

(*7*) to guide the teaching in colleges or recognized institutions ;

(*8*) to institute degrees, titles, diplomas and other academic distinctions ;

Ordinances.

29. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Syndicate may make Ordinances to provide for all or any of the following matters :—

(*i*) conditions under which students shall be admitted to courses of studies for degrees, titles, diplomas and other academic distinctions ;

(*ii*) conditions of residence, conduct and discipline of students of the University ;

(*iii*) conditions governing the appointment and the duties of examiners ;

(*iv*) conduct of examinations ;

(*v*) recognition of hostels ;

(*vi*) recognition of teachers of the University ;

(*vii*) inspection of affiliated colleges, recognized institutions and hostels ;

(*viii*) mode of execution of contracts or agreements for, or on behalf of, the University ;

(*ix*) rules to be observed and enforced by colleges and recognized institutions in respect of transfer of students ;

(*x*) all matters which by this Act or the Statutes are to be or may be provided for by the Ordinances ; and

(*xi*) generally all matters for which provision is, in the opinion of the Syndicate, necessary for the exercise of the powers conferred or the performance of the duties imposed upon the Syndicate by this Act or the Statutes.

Making of Ordinances.

30. (*1*) Ordinances shall be made by the Syndicate :

Provided that no Ordinance concerning the matters referred to in clauses (*i*), (*iii*), (*iv*) and (*vi*) of section 29 or any other matter connected with the maintenance of the standards of teaching and examinations within the university shall be made unless a draft of the same has been proposed by the Academic Council.

(*2*) The Syndicate shall not have power to amend any draft proposed by the Academic Council under sub-section (*1*) but may reject it or return it to the Academic Council for reconsideration, either in whole or in part, together with any amendments which the Syndicate may suggest.

(*3*) All Ordinances made by the Syndicate shall, except as provided by this Act, have effect from such date as it may direct but every Ordinance so made shall be laid before the Senate and shall be considered by the Senate at its next succeeding meeting.

(*4*) The Senate shall have power by a resolution to cancel or to refer back but not to amend any such Ordinance. The resolution shall be passed by a majority of not less than two thirds of the members present at such meeting, the majority comprising not less than one-half of the members of the Senate.

(*5*) The Vice-Chancellor shall, on the application of not less than fifty members of the Senate, suspend the operation of any such Ordinance until the Senate has considered it as provided in sub-section (*3*).

Regulations and Rules.

31. (*1*) The Academic Council may, subject to the approval of the Syndicate, make regulations, consistent with this Act, the Statutes and the Ordinances providing for all matters which by this Act, the Statutes or the Ordinances are to be provided for by Regulations and for all other matters solely concerning itself.

(*2*) Any authority of the University specified in clauses (*iv*) to [1][(*vii*)] of section 14 and any other Board of the University may, subject to the approval of the Syndicate make rules, consistent with this Act, the Statutes, Ordinances and Regulations, providing for all matters solely concerning such authority or Board.

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1 These brackets and figure were substituted for the brackets and figure "(*vi*)" by Bom. 53 of 1949 s. 3, Second Schedule.

CHAPTER VI.

AFFILIATION AND RECOGNITION.

Affiliation.

32. (*1*) A college applying for affiliation to the University shall send a letter of application to the Registrar, and shall satisfy the Syndicate and the Academic Council—

(*a*) that the college will supply a need in the locality, having regard to the type of education intended to be provided by the college, the existing provision for the same type of education made by other colleges in the neighbourhood, and the suitability of the locality where the college is to be established ;

(*b*) that the college is to be under the management of a regularly constituted governing body ;

(*c*) that the strength and qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction, teaching or training to be undertaken by the college ;

(*d*) that the buildings in which the college is to be located are suitable, and that provision will be made, in conformity with the Ordinances, for the residence in the college or in lodgings approved by the college, of students not residing with their parents or guardians, and for the supervision and welfare of students ;

(*e*) that due provision has been made or will be made for a library ;

(*f*) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Statutes, Ordinances and Regulations for imparting instruction in that branch of science in a properly equipped laboratory or museum ;

(*g*) that due provision will, as far as circumstances may permit, be made for the residence of the Principal and some members of the teaching staff in or near the college or the place provided for the residence of students ;

(*h*) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working ; and

(*i*) that the college rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing college in the same neighbourhood as would be injurious to the interests of education.

The application shall further contain an assurance that after the college is affiliated, any transference of management and all changes in the teaching staff and all other changes which result in any of the aforesaid requirements not being fulfilled or continued to be fulfilled shall be forthwith reported to the Syndicate.

(*2*) On receipt of a letter of application under sub-section (*1*) the Syndicate shall—

(*a*) direct a local inquiry to be made by a competent person or persons authorized by the Syndicate in this behalf in respect of the matters referred to in sub-section (*1*) and such other matters as may be deemed necessary and relevant ;

(*b*) make such further inquiry as may appear to it to be necessary ; and

(*c*) record its opinion after consulting the Academic Council on the question whether the application should be granted or refused, either in whole or in part, stating the results of any inquiry under clauses (*a*) and (*b*).

(*3*) The Registrar shall submit the application and all proceedings, if any, of the Academic Council and the Syndicate relating thereto to the Provincial Government which, after such inquiry as may appear to it to be necessary, shall grant or refuse the application or any part thereof.

66. (*1*) At any time after the passing of this Act until such time as the authorities of the University shall commence to exercise their functions— First appointment of the officers and teachers of the University.

(*a*) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor,

(*b*) teachers of the University may be appointed by the Chancellor after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Director of Public Instruction and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

(*2*) Any appointment made under sub-section (*1*) shall be for such period not exceeding three years and on such conditions as the appointing authority thinks fit :

Provided that no such appointment shall be made until financial provision has been made therefor.

67. The Vice-Chancellor appointed under section 63 shall have powers until the Syndicate commences to exercise its functions— Extraordinary powers of the first Vice-Chancellor.

(*a*) with the previous approval of the Chancellor to make additional statutes to provide for any matter not provided for by the first Statutes,

(*b*) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University,

(*c*) subject to the control of the Provincial Government to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force,

(*d*) with the sanction of the Chancellor to make for a period not exceeding three years such appointments as may be necessary to enable this Act or any part thereof to be brought into force.

(*e*) to appoint any Committee as he may think fit, to discharge such of his functions as he may direct, and

(*f*) generally to exercise all or any of the powers conferred on the Syndicate by or under the provisions of this Act.

68. If any difficulty arises as to the first constitution or re-constitution of any authority of the University after the coming into force of this Act or otherwise in first giving effect to the provisions of this Act, the Provincial Government, as occasion may require, may by order do anything which appears to it necessary for the purpose of removing the difficulty. Removal by Provincial Government of difficulties at the commencement of the Act.

SCHEDULE.

[*See* section 2 [1](*15*)]

1. Belgaum District.
2. Dharwar District.
3. Bijapur District.
4. Kanara District.

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[1] The brackets and figure "(15)" were substituted for the brackets and figure "(14)" by Bom. 53 of 1949, s. 3, Second Schedule.